



W.P.No.5372 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.5372 of 2023

V.Malligeswari

...Petitioner

Vs

The Commissioner,
Vellore City, Municipal Corporation,
Vellore.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pass orders cancelling the order of cancellation of promotion issued in Na.Ka.No.C1/12471/2006 dated 11.04.2019 and to restore the promotion of the petitioner to the post of Assistant as per the proceedings in Na.Ka.No.C1/6091/2018 dated 01.02.2019, with all consequential and other attendant benefits including arrears of salary, in consideration of representation submitted by the petitioner dated 05.04.2021.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondent : Mr.P.S.Prabu



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ORDER

With the consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given a representation to the respondent on 05.04.2021, seeking to restore his promotion to the post of Assistant with all consequential and other attendant benefits, including arrears of salary. Since the said representation was not considered, the present writ petition has been filed.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.



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4. In the light of the above observations, there shall be a direction to the respondent herein to consider the petitioner's representation dated 05.04.2021 on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands ordered. No costs.

24.02.2023

Index: Yes/No

Speaking order/Non-speaking order
hvk

To
The Commissioner,
Vellore City, Municipal Corporation,
Vellore.



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M.S.RAMESH,J.

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